

**BOARD OF SELECTMEN**  
**JUNE 1, 2016**  
**REGULAR SESSION**

Members Present: David Andrade, David Parker, David Viera,  
Nelson Almeida, Michelle Hines

Town Administrator: Shawn E. Cadime

Chairman Andrade opened the meeting at 7 p.m. followed by the Pledge of Allegiance and moment of silence.

He announced that, in accordance with M.G.L. Chapter 30A, Section 20, anybody recording the meeting must notify the Chairman. The Board of Selectmen is recording via audio and video.

**BOARD AND COMMITTEE OPENINGS UPDATE**

Ms. Hines announced that volunteers are needed on the Board of Health (3 Board of Selectmen appointments), Conservation Commission (3 BOS), Economic Development Committee (1 BOS), Historical Commission (2 BOS), Property Tax Work-Off Committee (2 BOS), Zoning Board of Appeals (2 BOS), Permanent Building Committee (5 BOS), Recreation Committee (1 BOS), Recycling Committee (1 BOS), Finance Committee (1 Moderator), and Energy Committee (2 BOS).

**COMMUNITY SPEAKS**

Mrs. Eleanor Shepherd of 53 Read Street said she has had an on-going problem for about ten years when the Town re-graded the road. Water settles in front of her house. She has been to DPW several times. She spoke to DPW Superintendent David Cabral yesterday.

Chairman Andrade said they would look into it.

**BOARDS AND COMMITTEES BRIEF OVERVIEW – PARKS AND RECREATION COMMITTEE**

Mr. Jason Adamonis of 10 Vista Court, Chairman, explained the committee meets every second Tuesday of the month. There is a part time director. They don't get involved with the leagues unless there is a problem. Anyone interested in serving should be unbiased and have no special interest.

Mr. Parker noted that talent bank forms are available at Town Hall or on-line.

**PUBLIC HEARING**

**National Grid Request to Locate Manholes, Wires, Ducts, Fixtures; and Replace Buried Cable Along and Across Turnstone Lane**

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

**VOTED:** To open the Public Hearing at 7:15 p.m.

Mr. Michael Parent of National Grid explained the work to be done although he was not familiar with the area.

Mr. Gary Zimmerman of 54 Turnstone Lane asked about the timeframe and if National Grid would repair whatever is dug up.

Mr. Cabral said any work to be done in the roadway requires a permit to open the road.

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

**VOTED:** To close the public hearing at 7:25 p.m.

Mr. Viera suggested that National Grid should send a representative that is familiar with the area in order to answer questions from residents. He did not blame Mr. Parent.

A motion as made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To allow National Grid to proceed to the second step in this request.

**National Grid: Request to Lay 2-3 Conduit 2-3' off Curb into Grass and Install Primary Pull Boxes from the Intersection of Tallwood Drive and Sagamore Road to the Intersection of Sagamore Road and Miller Street**

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To open the public hearing at 7:28 p.m.

Mr. Parent said this is to replace primary wire and install equipment to tie into the underground in place.

Mrs. Rita Rosenbloom of 185 Sagamore Road wanted to make sure her driveway wasn't going to be cut up. It happened a couple of years ago and she had to repair it at her own expense.

June 1, 2016

-3-

Chairman Andrade suggested the Board implement a policy that any work by National Grid or any other utility company would have to adhere to that installation procedure.

Mr. Cabral said they do try to work with residents.

Mr. Mike Kerr, 170 Sagamore Road, had similar concerns.

Mr. Parent said National Grid does restore the property back to the way it was.

Mr. Kerr asked about the timeframe.

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

**VOTED:** To close the public hearing at 7:41 p.m.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was

**VOTED:** 4 Ayes; 1 Nay; To approve the request with the stipulation that National Grid notify residents at least 30 days in advance of work.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Mr. Parker – Aye; Chairman Andrade – Aye; Ms. Hines. – Nay.

A motion was made by Mr. Viera, seconded by Ms. Hines, and it was

**VOTED:** 4 Ayes; 1 Nay; To reconsider the above.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Mr. Parker – Aye; Chairman Andrade – Aye; Ms. Hines – Nay.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was

**VOTED:** 4 Ayes; 1 Nay; To require 30-day notice unless there is an unforeseen or catastrophic situation in which the 30-day notice will be reissued and start from that date.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Mr. Parker – Aye; Chairman Andrade – Aye; Ms. Hines – Nay.

**National Grid: Request to Relocate Pole 8 Six Feet off Private Property on Bittersweet Drive onto Town Property and Relocate Primary Underground Rise, Burial Conductors, and Anchors with 10' Guy Connected to Pole 8**

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was unanimously

June 1, 2016

-4-

**VOTED:** To open the public hearing at 7:47 p.m.

Mr. Parent advised this request was made by the Town to move this pole from town-owned property to another piece of town property.

Mr. Cabral said this was done through Conservation. It has to do with maintaining access to the Lagerquist property.

Mrs. Donna White-Magill of 68 Bittersweet asked if her property would be affected.

Mr. Cabral showed her the plan. He will meet her on the property to show her actually where the pole and walking path will go.

A motion was made by Mr. Viera, seconded by Ms. Hines, and it was unanimously

**VOTED:** To close the public hearing at 7:55 p.m.

Mr. Almeida asked if National Grid is paying for relocation of the pole. Mr. Cabral and Mr. Parent said yes.

Mr. Cabral said it is to keep the access open. It will not allow vehicle access. He will have someone from Conservation contact Mrs. White-Magill.

Mrs. White-Magill wanted to know why the access is not on Carpenter Street.

Chairman Andrade noted that is also a question for Conservation.

A motion was made by Ms. Hines, seconded by Mr. Almeida, and it was

**VOTED:** 3 Ayes; 2 Nays; To indefinitely postpone the request to relocate a pole on Bittersweet Drive.

The vote: Ms. Hines – Aye; Mr. Almeida – Aye; Mr. Viera – Aye; Mr. Parker – Nay; Chairman Andrade – Nay.

**National Grid Request to Lay 2-3” Conduit 2-3’ off Curb of John Alden Road and Relocate Transformer 1 by House #30 and Replace Conduit**

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

**VOTED:** To open the public hearing at 8:06 p.m.

Mr. Parent said this is to put a pole on the left side of John Alden Road and raise the transformer up to extend across John Alden to the corner of house #30.

June 1, 2016

-5-

Mr. Richard Costa of 168 Elm Street asked where the pole would go. He said there are twenty year old spruce trees in there.

Mr. Cabral will meet with him.

Mr. David Yany, 30 John Alden Road, suggested the transformer be placed to the right of his property as far over as possible. He wanted to make sure any repair to properties is done right after the work.

A motion was made by Ms. Hines, seconded by Mr. Viera, and it was unanimously

**VOTED:** To close the public hearing at 8:15 p.m.

A motion was made by Mr. Viera, seconded by Mr. Parker, and it was

**VOTED:** 4 Ayes; 1 Nay; To approve the National Grid request for John Alden Road with the stipulation that there is a 30-day notice unless there is an unforeseen catastrophic situation in which the 30-day notice will be reissued and start from that date.

The vote: Mr. Viera – Aye; Mr. Parker – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye; Ms. Hines – Nay.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was

**VOTED:** 4 Ayes; 1 Nay; To reconsider Item A.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Mr. Parker – Aye; Chairman Andrade – Aye; Ms. Hines – Nay.

A motion as made by Mr. Viera, seconded by Mr. Parker, and it was

**VOTED:** 4 Ayes; 1 Nay; To approve the National Grid request re: Turnstone Lane with the stipulation that there is a 30-day notice unless there is an unforeseen catastrophic situation in which the 30-day notice will be reissued and start from that date.

The vote: Mr. Viera – Aye; Mr. Parker – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye; Ms. Hines – Nay.

**LICENSE HEARING**

**Change of Manager: Tito's Cantina, 1379 Fall River Avenue – Richard Reavis, Manager**

A motion was made by Mr. Almeida, seconded by Mr. Viera, and it was unanimously

**VOTED:** To postpone until a representative from Tito's is in attendance.

**PRIORITY MATTERS**

**Consider Conditional Offer of Employment to Aaron Braga as Probationary Firefighter Third Class**

Fire Chief Michael Healy requested authorization to extend a conditional offer of employment to Aaron Braga. He is a licensed paramedic. Mr. Cadime recommended.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To extend a conditional offer of employment to Aaron Braga as probationary firefighter third class.

**Consider Conditional Offer of Employment to Timothy Goodwin as Probationary Firefighter Third Class**

Chief Healy requested authorization to extend a conditional offer of employment to Timothy Goodwin. He is a licensed paramedic. Mr. Cadime recommended.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To extend a conditional offer of employment to Timothy Goodwin as probationary firefighter third class.

**Consider Conditional Offer of Employment to Timothy Houde as Probationary Firefighter Third Class**

Chief Healy requested authorization to extend a conditional offer of employment to Timothy Houde. Mr. Cadime recommended.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To extend a conditional offer of employment to Timothy Houde as probationary firefighter third class.

June 1, 2016

-7-

In response to Mr. Almeida's question, Chief Healy advised Mr. Houde will start school in September to become a paramedic. Details will be included in an agreement between Mr. Houde and the Town.

The order of business moved to:

### **NEW BUSINESS**

#### **Holy Ghost Brotherhood of Charity – Request to Use Taunton Avenue for Annual Procession**

Mr. Gilbert Travers, Secretary, was in attendance.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To grant permission to the Holy Ghost Brotherhood of Charity to use Taunton Avenue on Sunday, August 21, 2016, for approximately one hour beginning at 1 p.m.

#### **Ocean State Multisport – Request to Hold Annual Black Goose Marathon October 30, 2016**

Mr. Gary Menissian, Race Director, was in attendance.

A motion was made by Mr. Almeida, seconded by Mr. Parker, and it was unanimously

**VOTED:** To approve the Annual Black Goose Marathon Road Race to be held on Sunday, October 30, 2016.

Mr. Cadime will check to make sure the Town is protected under the insurance.

Ms. Hines said all signs must be removed following the race.

### **PRIORITY MATTERS**

#### **Discussion and Vote on Legal Representation**

Chairman Andrade noted that Board members had heard several presentations from different firms.

Mr. Parker said he asked the same questions of the four firms. When he asked how many towns they represent, Kopelman & Paige was the only one who represents a town. The others work for towns. Nobody had 40 lawyers on staff and nobody represented as many towns as Kopelman & Paige. They have the lowest rates and do not charge for mileage. The Town has never lost a

June 1, 2016

-8-

case and no problem with response time. He felt other firms were not even close to Kopelman & Paige.

Mr. Cadime said all four are legitimate law firms. Murphy Hess Toomey and Lehane are similar to Kopelman & Paige. Beauregard, Burke and Franco is a good firm but does not represent municipalities.

Pannone Lopes Devereaux & West is good with regard to the area of expertise and the size. They have not had any experience with town meeting and warrant articles. The firm has a variety of lawyers. They offered to have an attorney in Town Hall for a few hours every week.

Mr. Cadime noted the decision is up to Board members.

Mr. Parker felt Mr. Cadime should decide since he works closely with town counsel.

Chairman Andrade felt that some of the responses from Kopelman & Paige weren't as detailed and thorough.

Mr. Viera stated that since he has been a Board member he has had concerns about some of the responses from Kopelman & Paige. He felt getting a legal opinion 45 minutes before a meeting on an important issue such as the election was totally unacceptable. He mentioned the omission of a middle initial on a land court document delayed the process. He liked that the Providence firm would have an attorney in Town Hall every week. He would be inclined to go with that firm.

Ms. Hines said she knows response time was an issue but she was told they get back according to what the town administrator says. She felt documents should be ready for the packets on Friday. She favored the blended rate. She wanted to look back and see if the Town is saving money on the blended rate.

Mr. Cadime said Kopelman & Paige rate is \$170. It might be higher if they ask for blended rate. The Town is saving money with Kopelman & Paige.

Mr. Almeida said there has been good and bad with Kopelman & Paige. He felt the response time might be the same with another firm.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was

**VOTED:** 3 Ayes; 2 Nays; To appoint Pannone Lopes Devereaux & West of Providence, RI and Boston, MA as legal counsel, effective immediately.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye; Mr. Parker – Nay; Ms. Hines – Nay.



June 9, 2016

-9-

In discussion prior to the vote, Mr. Almeida wanted to make sure it is a one-year appointment.

Mr. Parker noted that because of the higher rate it will cost \$16,000 more. Kopelman & Paige will continue with the cases they have so the rates will probably go up.

Ms. Hines felt this is not the time to change. This firm knows nothing about the Town's cases.

Kopelman & Paige is familiar with the Town and has not raised the fees. The Town Administrator would have to get them to take care of their response time.

In the particular instance, Mr. Cadime said he told them he needed the information before the meeting. It was a critical issue and they got a 12-page document to read 20 minutes before the meeting.

Mr. Almeida felt it is not a bad idea to get new counsel.

## **OLD BUSINESS**

### **Discussion of Unauthorized Work Associated with Road Opening Permit on Lincoln Street**

Mr. Cabral noted this is a follow up to the meeting of May 4, 2016. At that time, Matt Antonio was in attendance but no representation from Pond View Excavating. Mr. Kenneth Foley is here tonight. Mr. Cabral recommended the Town oversee the work and seek reimbursement through contractor or contractors and essentially be responsible for any subsequent repairs up to five years. That is per the by-law.

Mr. Kenneth Foley addressed the issue. He has been doing business in Seekonk for 30 years. He had a contract with the Seekonk Water District for 15 years. He has probably done 100 to 200 road openings in Seekonk over the years. They usually do a patch and go back and do permanent repair. He plans on doing that. He thought it was insane to get another contractor to do the work. He noted that Mr. Cabral issued the road opening permit. He pulled the permit in December 2015 and the work was done in January. It was an emergency situation; the contractor had a new house built.

Chairman Andrade asked if he would go out and do an infrared at the seams.

Mr. Foley said normally they don't do that but he would if that's what Mr. Cabral wants.

Mr. Cabral said he wants to oversee the project.

Mr. Cadime said there were several areas of the by-law that were violated. The permits contain language that shall conform to the statutes and by-laws of Seekonk. Roads are not supposed to be opened unless allowed by the DPW Superintendent and Board of Selectmen. An emergency situation is clearly defined.

June 1, 2016

-10-

The options are to have the contractor do the work under the supervision of the DPW Superintendent or have the work done and invoice the contractor and general contractor. If there is no reimbursement, the Town can go to court and also withhold future permits to the contractors.

Mr. Viera noted that Mr. Foley was a Rehoboth selectman so he should understand. It is unfortunate that he is the person standing here today.

Mr. Cabral said the work was done on an expired permit. He would prefer to hire a contractor to do the work.

Mr. Almeida questioned why the Water District would allow the work on an expired permit.

Mr. Foley asked why bring in an outside contractor to do work he is qualified to do.

Ms. Hines asked why Mr. Cabral opposes having Mr. Foley do the work. It would be cheaper than hiring the other company.

Mr. Cabral said it is a reputable company that is doing work in town. He said the Board could decide but his preference would be to use the other contractor.

Mr. Cadime wanted to support Mr. Cabral's decision. He asked if he would be comfortable with a guarantee that all specifications are met and there is a bond for the remainder of the moratorium on the road.

Mr. Viera was concerned that there is no bond on this project. He felt it was botched and done intentionally from day one. The contractor knew that certain permits and dig safe numbers were not in place. The Board needs to follow Mr. Cabral's recommendation.

Mr. Matt Antonio said the dig safe expiration issue is not valid. Numbers don't expire; they are good for the entire project. The road was marked and there was a police detail. He said that Mr. Foley has worked for the Town for many years. He should do the work.

Chairman Andrade said specific directions were given and were ignored.

Mr. Antonio felt it was unfair that they would not have the opportunity to fix it.

A motion was made by Ms. Hines, seconded by Mr. Parker, and it was

**VOTED:** 3 Nays; 2 Ayes; That Mr. Cabral meet with Mr. Foley to get the work done. If it is not done to his specification, to go out and get a contractor to do the work and bill Pond View and Excavating and Palmer River Construction.

June 1, 2016

-11-

The vote: Mr. Hines – Aye; Mr. Parker – Aye; Mr. Almeida – Nay; Mr. Viera – Nay, Chairman Andrade – Nay.

A motion was made by Mr. Viera, seconded by Mr. Almeida, and it was

**VOTED:** 3 Ayes; 2 Nays; To follow the recommendation of the Supt. of DPW and have an outside firm do the patch work required and bill Pond View Excavating and Palmer River Construction.

The vote: Mr. Viera – Aye; Mr. Almeida – Aye; Chairman Andrade – Aye; Ms. Hines – Nay; Mr. Parker – Nay.

### **NEW BUSINESS**

#### **Consider Approval of Minutes of April 14, 2016 and May 12, 2016**

A motion was made by Ms. Hines, seconded by Mr. Parker, and it was unanimously

**VOTED:** To approve the minutes of April 14, 2016.

A motion was made by Ms. Hines, seconded by Mr. Viera, and it was unanimously

**VOTED:** To approve the minutes of the Public Hearing held on May 12, 2016.

### **COMMUNITY SPEAKS**

Mr. John Alves, Chairman of the Community Preservation Committee, advised that three members are up for reappointment by the Board of Selectmen. He requested those terms be staggered.

He mentioned he was out of town and unable to attend the Town Meeting and the previous Board of Selectmen meeting. A selectman felt the Town paid too much for the Young property. The appraisal of market value came in at \$400,000. The Town Meeting warrant was for \$312,500 - \$300,000 to seller and \$12,000 for various contingency purposes. He said the CPC does not act in the dark. The agendas are posted and there are minutes of the meetings. The committee consists of a member of the Planning Board, Conservation Commission, Historical Commission, Parks & Recreation, Housing Authority, and four Board of Selectmen appointees. It is a well integrated in town needs and town affairs. He had a copy of the appraisal which should have been given to the Board prior to Town Meeting.

Mr. Alves asked about old town hall.

Mr. Cadime said the tribe's legal counsel has concerns.

June 1, 2016

-12-

Mr. Alves expects to see that building restored or brought up to some condition that meets the National Historic Register or the CPC will be looking for \$100,000.

Mr. Cadime said he doesn't know what the confusion is because the tribe has been part of all discussions.

With regard to the Young property, Ms. Hines said there was discussion at Town Meeting about buildable lots on that property and not wanting to give it to the CPC because the use would be restricted.

Mr. Alves said there are five to eight lots. He noted six out of 125 people voted against purchasing this property.

Mr. Viera said he heard there are eight buildable lots and it was taken off the tax rolls or is it only one lot. He understood the Assessor's office has it as one buildable lot.

He would like to see this an agenda item and allow people to ask questions.

Chairman Andrade said it is one large buildable lot right now.

### **OTHER BUSINESS**

#### **Discuss Other Topics Not Reasonably Anticipated by the Chairman 48 Hours Before to the Meeting**

None.

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Cadime thanked everybody involved in the Memorial Day Parade, especially to Mr. Viera who puts that together year after year with his committee.

He also thanked the Veterans Memorial Committee. The dedication was extremely well attended.

An occupancy permit should be issued for the senior center by the end of this week. The dedication will be scheduled for Sunday, June 26, 2016, at 1 p.m..

Discussions on the cemetery are ongoing with Father Rob. It will be an agenda item for the next meeting.

**BOARD OF SELECTMEN LIAISON REPORTS AND COMMENTS**

Mr. Viera thanked those responsible for building the memorial - Joe Velardo, project manager, Vidal deMedeiros Bob DeFontes, and David Sullivan. It's an excellent project done on time. The weather was great for the dedication. He thanked Board members who participated in the parade and dedication. He noted that Mr. Cadime is the only town administrator who has participated in the parade over the years. He expressed appreciation for the \$60,000 to offset the cost of the project. It cost around \$130,000 to \$150,000 and is a memorial that is second to none. He thanked the residents of Seekonk and also Peter Fuller and Michael Durkay who attended the ceremony and the Library Board of Trustees.

Ms. Hines commended Doreen Taylor for coordinating the dedication. She said everyone did a great job.

She noted the raffle for the senior center is on-going.

Mr. Parker asked about a building inspector.

Mr. Cadime advised that two inspectors from Attleboro are filling in. David Betts submitted his resignation effective Friday.

Mr. Parker pointed out the position was advertised almost a year ago and no applicants.

Mr. Cadime stated there are 50 open building commissioner positions across the state.

Mr. Parker asked about an assistant to the DPW Superintendent.

Mr. Cadime said it is under discussion.

Mr. Almeida asked if the transfer station is open all day on Saturdays.

Mr. Cadime will check.

Mr. Almeida said the dedication of the Veterans Memorial was beautiful. He is pleased the senior center dedication will be on Sunday so that more residents can attend.

He thanked residents who came out to the parade and dedication. He also thanked the residents and local businesses who donated.

Chairman Andrade concurred.

He congratulated local high school graduates.

June 1, 2016

-14-

In response to some concerns, Chairman Andrade advised that a leveling was done on Willard Avenue and North Wheaton Avenue. There was some areas with ½” to 1 ½.” That is the first step. There will be another step to put a coating over the entire way. The road will be looked at again after the winter and settling of the road and treatments done before the final sealing of the road.

In response to Mr. Viera’s question, Mr. Cadime stated that the rubbish disposal company filed for Chapter 11 for reorganization only.

A motion was made by Mr. Parker, seconded by Mr. Viera, and it was unanimously

**VOTED:** To dissolve at 10:01 p.m.

The vote: Mr. Parker – Aye; Mr. Viera – Aye; Mr. Almeida – Aye; Ms. Hines – Aye; Chairman Andrade – Aye.

Respectfully submitted,

David Viera, Clerk

Prepared by:

Patricia Gamer, Secretary